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Attorneys for Defendants
DIGITAL REALTY TRUST, INC. and
ELLEN JACOBS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAUL SOMERS, an individual,

Plaintiff,

v.

DIGITAL REALTY TRUST, INC., a Maryland
corporation, ELLEN JACOBS, and individual, and
DOES ONE through TEN, inclusive,

Defendants.

Case No. 4:14-cv-05180-EMC

**STIPULATION FOR TEMPORARY
STAY PENDING PETITION FOR WRIT
OF CERTIORARI PROCEEDINGS;
[PROPOSED] ORDER**

Current Hearing Date on Motion to Stay

Date: May 4, 2017
Time: 1:30 p.m.
Courtroom: 5, 17th Floor
Judge: Hon. Edward M. Chen

1
2 **STIPULATION**

3 Pursuant to Civil L.R. 7-12, Plaintiff PAUL SOMERS (“Plaintiff”), for himself, and Defendants
4 DIGITAL REALTY TRUST, INC. (“Digital”) and ELLEN JACOBS (collectively “Defendants”), by
5 and through their undersigned counsel, hereby stipulate and agree as follows:

6 **WHEREAS**, on March 30, 2017, Digital filed a Motion for Temporary Stay Pending Petition for
7 Writ of Certiorari Proceedings (“Motion”), requesting that the Court temporarily stay proceedings in this
8 matter until the U.S. Supreme Court disposes of Digital’s forthcoming petition for writ of certiorari, Dkt.
9 No. 202;

10 **WHEREAS**, Plaintiff initially advised Digital that he opposed the requested stay, but has since
11 retained the law firm of Stris & Maher LLP, a well-respected litigation boutique, to represent him in
12 proceedings before the U.S. Supreme Court;

13 **WHEREAS**, Defendants have now agreed to further expedite the filing of their certiorari
14 petition, and have also agreed to waive the 14-day waiting period for filing a petition-stage reply (*see* S.
15 Ct. R. 15.5), thereby ensuring a timely distribution for the Justices’ June 15 conference;

16 **WHEREAS**, Plaintiff now agrees that a short stay would promote his interests pending the
17 Supreme Court’s disposition of Digital’s petition, and that such a stay would conserve the resources of
18 the parties and the Court;

19 **THEREFORE, THE PARTIES HEREBY STIPULATE AND RESPECTFULLY**
20 **REQUEST THAT THE COURT ORDER** a temporary stay of district-court proceedings in this case
21 pending the Supreme Court’s disposition of Digital’s petition for writ of certiorari, and that the hearing
22 scheduled on Digital’s Motion be taken off-calendar.

23 DATED: April 5 2017

SEYFARTH SHAW LLP

24 By: /s/ Brian T. Ashe

25 Brian T. Ashe
26 Kyle A. Petersen
27 Kiran A. Seldon
28 Shireen Y. Wetmore

Attorneys for Defendants
DIGITAL REALTY TRUST
and ELLEN JACOBS

1 DATED: April 5, 2017

2 By: /s/ Paul Somers

3 Paul Somers

4 Plaintiff, pro se

5 **ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)**

6 I, Brian T. Ashe, attest that concurrence in the filing of this document has been obtained from the
7 signatory Paul Somers.

8 Executed this 5th day of April 2017 in San Francisco, California.

9
10 By: /s/ Brian T. Ashe

11
12
13 **~~[PROPOSED]~~ ORDER**

14 **PURSUANT TO STIPULATION, IT IS SO ORDERED** that the hearing on Defendant
15 Digital Realty Trust, Inc.'s Motion for Temporary Stay Pending Petition for Writ of Certiorari
16 Proceedings is hereby taken off-calendar, and that all district-court proceedings in this case shall be
17 stayed pending the U.S. Supreme Court's disposition of Defendant Digital Realty Trust's forthcoming
18 petition for writ of certiorari. 5/4/17 Motion to stay hearing is vacated. Further
19 Status is set for 6/22/17 at 10:30 a.m. An updated

20 DATED: April 11, 2017 Joint status Report shall be filed by 6/15/17.

21 Honorable Edward M. Chen

22 Judge United States District Court

